

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

DORIS JONES and ALFRED JONES, a
married couple,

**ORDER RE PLAINTIFF'S MOTION TO
CONTACT JURORS**

Plaintiffs,

v.

C.R. BARD, INC., a New Jersey
corporation and BARD PERIPHERAL
VASCULAR, an Arizona corporation,

Defendants.

Having reviewed Plaintiff's Motion to Contact Jurors, and good cause appearing;

IT IS HEREBY ORDERED that Plaintiff's Motion is granted;

IT IS FURTHER ORDERED that Plaintiff's counsel may send out the letter attached as Exhibit A to Plaintiff's Motion to Contact Jurors by certified mail to the last known contact information for the *Jones* trial jurors.

IT IS FURTHER ORDERED that if any *Jones* trial jurors respond to the letter indicating that they are willing to communicate with Plaintiff's counsel, that Plaintiff's counsel is granted leave to reasonably communicate by phone, e-mail, or in person with those jurors to obtain their answers to the following interrogatories:

- 1 1. Did all nine jurors find that Plaintiff failed to prove her case on each of the
- 2 claims?
- 3
- 4 2. After the jury was initially deadlocked, what facts or arguments changed the
- 5 vote of those jurors who had previously favored Plaintiff?
- 6
- 7 3. What was the most important fact or facts that lead you to conclude that the
- 8 Eclipse was not defectively designed?
- 9
- 10 4. Are there other facts about the design of the Eclipse that you would have
- 11 wanted to know?
- 12
- 13 5. Would your opinion about the nature of the Eclipse's design have been different
- 14 if Mrs. Jones had died from the filter fragment?
- 15
- 16 6. Did you believe that Mrs. Jones suffered actual harm?
- 17
- 18 7. Had you found the Eclipse filter defective, would you have been inclined to
- 19 award damages for future harm to her? If so, what amount? Were any amounts
- 20 for damages ever discussed?
- 21
- 22 8. Did you or any other juror express that punitive damages were appropriate in
- 23 this case?
- 24
- 25 9. Was FDA evidence important to you?
- 26
- 27 10. Did you feel a decision by the FDA was dispositive and could not be questioned
- 28 by you?
11. Did you feel the Society for Interventional Radiology Guidelines applied to a
- medical device company?

1 12. Did you feel the SIR Guidelines provided acceptable thresholds for IVC filter
2 failure rates?

3 IT IS FURTHER ORDERED that within 15 days of any such communication with
4 any juror discussing their answers to the interrogatories listed above, pursuant to LRCiv
5 39.2(b) Plaintiff's Counsel will file an affidavit indicating the scope and results of the
6 interviews with jurors and setting out the answers given to the interrogatories.
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